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7 UNITED STATES OF AMERICA,
8 Plaintiff,
9 v.
10 BAZAARVOICE, INC.,
11 Defendant.

Case No. [13-cv-00133-WHO](#)

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13 **ORDER REGARDING USE OF THIRD
14 PARTY MATERIALS AND
15 DEPOSITION TESTIMONY AT TRIAL**

16 Re: Dkt. No. 118

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18 **ORDER REGARDING USE OF THIRD PARTY MATERIALS
19 AND DEPOSITION TESTIMONY AT TRIAL**

20 On September 9, 2013, the Court held a pre-trial conference in the case captioned *United*
21 *States v. Bazaarvoice, Inc.*, Case No. 13-cv-0133 WHO (the “Litigation”) to address various
22 issues in the Litigation, including the use of evidence at trial.

23 On March 4, 2013, the Court entered a Protective Order setting forth the procedures for
24 protecting confidential information exchanged during discovery in the Litigation. During the
25 course of discovery, the parties received materials and obtained deposition testimony from third
parties, some of which has been designated by the third parties as “Confidential” or “Highly
Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order.

26 The Court hereby orders the following with respect to such “Confidential” and “Highly
27 Confidential – Attorneys’ Eyes Only” designations of materials and/or deposition testimony by
28 third parties:

- 29 1. Any party intending to use at trial any third party materials and/or deposition
30 testimony designated by such third party as “Confidential” or “Highly Confidential –
31 Attorneys’ Eyes Only” must send via overnight delivery written notice of such

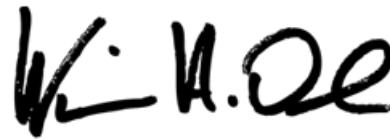
United States District Court
Northern District of California

1 intention no later than September 10, 2013. To the extent a party has already sent
2 such written notification prior to the entry of this Order, that party need not provide
3 duplicative notice. The party intending to use at trial third party materials and/or
4 deposition testimony designated by such third party as "Confidential" or "Highly
5 Confidential – Attorneys' Eyes Only" must also send to the third party a copy of this
6 Order via overnight delivery within one (1) business day after the entry of this Order.

- 7 2. Any third party receiving the written notification set forth in Paragraph 1 and
8 intending to maintain such "Confidential" or "Highly Confidential – Attorneys' Eyes
9 Only" designations of materials and/or deposition testimony must: (1) appear at a
10 hearing on September 19, 2013 at 10 a.m. in court room 2 located at 450 Golden Gate
11 Avenue, San Francisco, CA 94102 to address this issue; and/or (2) file with the Court
12 a formal request, including a supporting declaration that adequately justifies the
13 designations by no later than September 18, 2013.

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15 **IT IS SO ORDERED.**

16 Dated: September 10, 2013



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18 WILLIAM H. ORRICK
United States District Judge

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